



Paper No. 6

ALICE O KIELY
71 STONEWALL COURT
YORKTOWN HEIGHTS, NY 10598-1819

COPY MAILED**JAN 15 2002**

In re Application of
Alice Mary O'Donnell-Kiely
Application No. 09/641,410
Filed: 18 August, 2000
For: Edible Supports for
Comestibles with Optional, Edible
Mess Guards and Drip Guards

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: DECISION GRANTING PETITION
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OFFICE OF PETITIONS

This is a decision on the renewed petition filed on 25 April, 2001, which is treated as a petition requesting that the above-identified application be accorded a filing date of 18 August, 2000, with Figures 43A-43D, 44A, and 44B as part of the original disclosure.

The petition is granted.

On 18 August, 2000, applicant filed the above-identified application. However, on 5 October, 2000, the Office of Initial Patent Examination mailed a "Notice of Omitted Items," stating that a filing date had been assigned in the application; however, Figures 41A-41D, 42, and 43 described in the specification appeared to be omitted from the application. The petition filed on 20 October, 2000, requesting that the application be accorded a filing date of 18 August, 2000, with one (1) sheet of drawings containing Figures 41A-41D, 42, and 43 as a part of the original disclosure was dismissed on 29 March, 2001.

In the present renewed petition, petitioner again asserts that one (1) sheet of drawings containing the missing figures was present in the USPTO on 18 August, 2000. Petitioner now explains that one (1) sheet of drawings containing Figures 43A-43D, 44A, and 44B was deposited with the other application papers filed on 18 August, 2000. Furthermore, that sheet of drawings was mislabelled, and that the drawing figures should have been labeled Figures 41A-41D, 42, and 43 in accordance with the specification. The renewed petition is accompanied by both a copy of the one sheet of drawings containing Figures 43A-43D, 44A, and 44B, as originally filed and an amendment renumbering the drawings as Figures 41A-41D, 42, and 43.

In support, on 25 April, 2001, a copy of petitioner's postcard receipt was supplied. The postcard contains an Office date stamp of 18 August, 2000, and the above-identified application number and itemizes the filing of, *inter alia*, 19 sheets of formal drawings. Petitioner requests that the application, including the one (1) sheet of drawings containing Figures 43A-43D, 44A, and 44B, be accorded a filing date of 18 August, 2000.

A review of the record reveals that applicant filed 18 sheets of drawings, labeled Pages 1-18 of 19, with the application papers on 18 August, 2000. However, the evidence is convincing that the application papers deposited on 18 August, 2000, included one (1) sheet of drawing containing Figures 43A-43D, 44A, and 44B, which was subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawing containing Figures 43A-43D, 44A, and 44B as described in the specification, is entitled to a filing date of 18 August, 2000.

In view of the above, the petition is granted. A refund of the \$130.00 petition fee will be scheduled.

The application will be processed and examined using the application papers filed on 18 August, 2000, and the one (1) sheet of drawings containing Figures 43A-43D, 44A, and 44B, supplied on 20 October, 2000. The amended drawing renumbering the figures will be entered in the file for consideration as a preliminary amendment.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 18 August, 2000, using the application papers filed on 18 August, 2000, and the one (1) sheet of drawing containing Figures 43A-43D, 44A, and 44B supplied on 20 October, 2000, and for an indication on the bib-data sheet that **19** sheets of drawings were present on filing.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



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for Patent Examination Policy